

4. 2868

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

APPLICATION 8950

PERMIT 5048

LICENSE 2868

ORDER REDUCING THE
RATE OF DIVERSION

WHEREAS:

1. License 2868 was issued to Panamint Springs Company and recorded with the County Recorder of Inyo County in Volume 202, Page 322 on March 16, 1947.
2. License 2868 was subsequently assigned to Gerry Ninnis and Helen Ninnis.
3. A complaint was filed with the State Water Resources Control Board by the Department of Fish and Game on March 18, 1987 recommending a permanent reduction in the amount of water diverted under License 2868 (A-8950).
4. A staff report of investigation dated April 19, 1988 found that the amount of water diverted from the source under License 2868 was 24 gallons per minute and proposed that the license be reduced accordingly.
5. The Board has determined that the above reduction in the rate of diversion will not operate to the injury of any other lawful user of water and that good and sufficient cause has been shown for said correction.
6. The license condition pertaining to the continuing authority of the Board should be updated to conform to the current common law public trust doctrine as contained in Title 23, California Code of Regulations, Section 780(a).

NOW, THEREFORE, IT IS ORDERED THAT:

1. The license condition regarding the amount of water to be diverted be amended to read:

The total quantity of water to be diverted under License 2868 shall not exceed 24 gallons per minute within the licensed season of January 1 to December 31.

2. The continuing authority provisions of this license be amended to read:

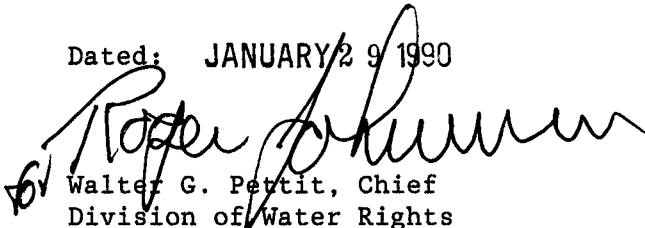
Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

Dated: JANUARY 29 1990


Walter G. Pettit, Chief
Division of Water Rights

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 8950

PERMIT 5048

LICENSE 2868

ORDER ALLOWING CORRECTION OF DESCRIPTION OF CHARACTER OF USE

WHEREAS, License 2868 was issued to Panamint Springs Company and was filed with the County Recorder of Inyo County on May 16, 1947, and

WHEREAS, said license was subsequently assigned to Charles R. Snellstrom and La Doris J. Snellstrom; and

WHEREAS, the correction of description of character of use under said license for which petition was submitted on February 16, 1971 does not involve any physical change in works already constructed or in the original intent of the applicant concerning location of proposed works, and the correction will not operate to the injury of any other legal user of water;

NOW, THEREFORE, IT IS ORDERED that permission is hereby granted to correct the description of character of use under said License 2868 to read as follows:

DOMESTIC

Dated: JAN 4 1973

K. L. Woodward
K. L. Woodward, Chief
Division of Water Rights

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STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

License for Diversion and Use of Water

LICENSE 2868

PERMIT 5048

APPLICATION 8950

THIS IS TO CERTIFY, That **Panamint Springs Company**
Panamint Springs, California Notice of Assignment (Over)

has made proof as of April 8, 1945
(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the waters of
Darwin Wash in Inyo County
tributary to Panamint Valley

for the purpose of recreational use
under Permit **5048** of the Department of Public Works and that said right to the use of said waters has
been perfected in accordance with the laws of California, the rules and regulations of the Department of Public Works
and the terms of the said permit; that the priority of the right herein confirmed dates from April 19, 1937;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited
to the amount actually beneficially used for said purposes and shall not exceed sixteen-hundredths (0.16) cubic
foot per second from January 1 to December 31 of each season. The total amount of water
diverted under this license together with that diverted under License 2869, issued
pursuant to Application 9792, Permit 5655 shall not exceed 0.16 cubic foot per second.

This license is based on the use of water made during the year 1945 which was
the year of maximum use within the three year period immediately preceding the date of
inspection.

The point of diversion of such water is located South seventy five degrees forty four
minutes West (S. 75° 44' W.) nineteen thousand seven hundred eighty three (19783)
feet from the Southeast corner of Section 30, T. 18 S., R. 42 E., M.D.B. & M., being
within the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 34, T. 18 S., R. 41 E., M.D.B. & M.

A description of the lands or the place where such water is put to beneficial use is as follows: **Panamint Resort,**
located within the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 30, T. 18 S., R. 42 E., M.D.B. & M.

All rights and privileges under this license including method of diversion, method of use and quantity of water
diverted are subject to the continuing authority of the Department acting through the State Engineer in accordance
with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or
unreasonable method of diversion of said water, and to prevent unreasonable interference with vested
rights.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from
time to time by the State Engineer.

The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of diversion
herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Department.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

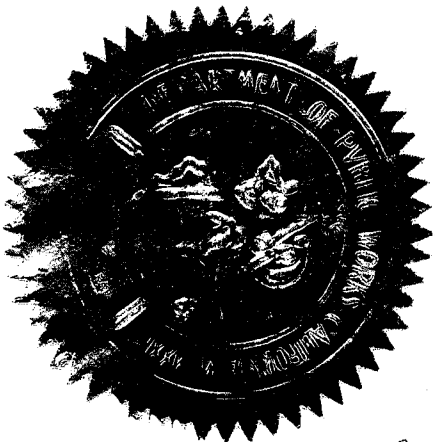
Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property can not agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Witness my hand and the seal of the Department of Public
Works of the State of California, this 14th
day of May, 1947

EDWARD HYATT, State Engineer

By A. D. Edmonston
A. D. Edmonston
Assistant State Engineer



12-23-57

RECEIVED NOTICE OF ASSIGNMENT TO

Agnes Reid

4-23-58

RECEIVED NOTICE OF ASSIGNMENT TO

Peter H. Clarkson & Elizabeth V. Clarkson

6-11-59

RECEIVED NOTICE OF ASSIGNMENT TO

Joseph L. and Marguerite Wetzel

7-2-60

RECEIVED NOTICE OF ASSIGNMENT TO

Harold Z. Perkel

7-14-61

RECEIVED NOTICE OF ASSIGNMENT TO

Jack Vandelaar

1-5-66

RECEIVED NOTICE OF ASSIGNMENT TO

Charles L. & La Doris J. Snellstrom

7-30-80 Asg to Marvin J., Betty N. + Lisa B. Vose
10-21-82 Intd Marvin J. Vose asg to Betty N. + Lisa B. Vose
8-4-87 Asg to: Gerry Ninnis + Helen Ninnis

LICENSE 2868

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

LICENSE
TO APPROPRIATE WATER

ISSUED TO Panamint Springs Company

DATED MAY 14 1947

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